



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF NOVEMBER 17, 2005**

CALL TO ORDER: Chairperson Harrison called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Harrison, Commissioners Chan, King, Lorenz, Lydon, and Weaver (arrived 7:10 p.m.)

ABSENT: Sharma (excused)

STAFF PRESENT: Barbara Meerjans, Senior Planner  
Larissa Seto, Senior Deputy City Attorney II  
Prasanna Rassiah, Senior Deputy City Attorney  
Scott Ruhland, Associate Planner  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Miriam Shallit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of October 27, 2005 with the following corrections:

Page 1, moment of silence to honor four individuals: Buzz ~~Colbalt~~ Covalt  
and John ~~Garrera~~ Herrera

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1 AND 5.

IT WAS MOVED (KING/LORENZ) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1 AND 5.

**Item 1. PROLOGIS – Pacific Commons Development Agreement – (PLN2006-00031)** – to consider a City Manager's report on the annual review of the development agreement for the property generally located westerly of Interstate 880 between Auto Mall Parkway and Cushing Parkway in the Industrial Planning Area. An EIR and Supplement EIR ("SEIR") were previously approved for the Pacific Commons Project. An Addendum to the SEIR was prepared and adopted for the Planned District Major Amendment (PLN2003-00166) finding the project to be consistent with the original plan and environmental documents. This review is not a project as defined in the CEQA Guidelines, Section 15378, no further action is required.

**CONTINUE TO DECEMBER 8, 2005 AS STAFF HAS REQUESTED ADDITIONAL INFORMATION FROM AN OUTSIDE AGENCY, WHICH HAS NOT YET BEEN RECEIVED.**

- Item 5. **HUBVIEW HOMES – 3645 Mowry Avenue – (PLN2005-00349)** – to consider a rezoning from R-G-16 to R-3-35 for a 0.34 acre parcel located in the Central Planning Area. A Mitigated Negative Declaration has been prepared for this site.

**HOLD PUBLIC HEARING.**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY CONDUCTED FOR THE PROJECT HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES. AS A RESULT, RECOMMEND THE FILING OF A CERTIFICATE OF FEE EXEMPTION FOR THE PROJECT.**

**AND**

**RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE REZONING PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.**

**AND**

**RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE MITIGATION MONITORING PLAN (MMP) FOR THE REZONING PROJECT.**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT.**

**AND**

**RECOMMEND PLN2005-00349 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (REZONING EXHIBIT).**

The motion carried by the following vote:

AYES:	5 – Chan, Harrison, King, Lorenz, Lydon
NOES:	0
ABSTAIN:	0
ABSENT:	2 – Sharma, Weaver
RECUSE:	0

**PUBLIC COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**PUBLIC HEARING ITEMS**

- Item 2. **THE GLOBE INTERNATIONAL VILLAGE – 6000 Stevenson Boulevard – (PLN2005-00061)** – to receive oral and written comments from the public and Planning Commission on The Globe Draft Environmental Impact Report (DEIR) (SCH#2005042146). The proposed project involves a General Plan Amendment to change the land use of the site from General Industrial to High Volume Retail for the future development of internationally themed retail village. The public review period for the DEIR started on October 14, 2005 and concludes on November 28, 2005.

**Associate Planner Ruhland** introduced the EIR consultant, John Courtney, of Lamphier-Gregory, who would give a brief presentation.

**Chairperson Harrison** reminded the Commission that only the EIR was to be discussed at this time.

**John Courtney**, Senior Planner with Lamphier-Gregory, stated that he was in attendance to record comments that the Commissioners or the public might have. The DEIR was focused in three primary areas:

- Evaluating the air quality impacts

Police exhaust emissions and fugitive dust during construction, which could be reduced to less than significant level through implementation of dust control measures, as required by Bay Area Air Quality Management District.

Traffic-related increase in regional emissions was identified as significant and unavoidable. Trip mitigation measures identified in the DEIR would not be sufficient to reduce total number of vehicles trips from site below Air District's threshold for significant.

- Evaluating hazardous materials impacts

Possible exposure to hazardous materials present at site, currently in soil and groundwater, which could be mitigated by removal of PCBs already identified, maintain access to all existing groundwater wells at site for continuing ongoing monitoring, as required. Mitigation would reduce impact to less than significant.

Possible exposure to hazardous material in event of offsite release could be mitigated by preparation and implementation of emergency action plan. If properly done, impact would be reduced to less than significant.

Possible exposure to lead-based paint and asbestos containing materials during demolition and remodeling activities could be reduced to less than significant level through property surveying, particularly for structures built prior to 1978.

- Evaluating traffic impacts

Level of Service (LOS) F at Albrae Street and Stevenson Boulevard during the weekday p.m. peak hour and on Saturday during mid-day peak hours would involve mitigation of installation of additional northbound left-turn lane and additional eastbound right-turn lane.

LOS F at Main Street (primary project access) and Stevenson Boulevard during weekday p.m. peak hour would require two mitigations to reduce impact to less than significant. They would be installation of a traffic signal and installation of signal interconnects on Stevenson Boulevard, which would coordinate signal timing.

LOS F, left-turn access on Albrae Street at the project driveways would involve mitigation of widening Albrae Street along the project frontage to allow for two northbound lanes, two southbound lanes and a center turn lane, which would reduce the impact to a level of less than significant.

**Chairperson Harrison** asked if the No Project Alternative would be if the property were left as is and had the study considered the fact that 80 percent of the property was currently vacant or that the property had been the location for a big box retailer. When were the traffic counts performed? Had Costco and Home Depot relocated at the time?

**Mr. Courtney** stated that his data came from a report that had been prepared about one year ago. It evaluated trip generations based upon what was coming out of the site at that time. The Air Quality analyst based his trip generation values for the air pollution impacts on the square footage of the buildings and assumed they would generate the modeled number of trips based on the usage.

**Vice Chairperson Lydon** wondered where the additional street width for Albrae would come from. Would the widening be on both sides?

**Mr. Courtney** referenced a diagram at the back of the traffic discussion (page 3-51). The widening would be on both sides.

**Roger Shanks**, Roger Shanks Consulting, stated that he was representing the applicant. The site was a blighted site and consisted of old buildings, most of them vacant. This was a prime location within the city for pulling activities and traffic from both I-880 and the surrounding community. A planned district would come back to the Commission for this international themed center that would include international restaurants, shopping, boutiques, and a banquet facility. He expected the restaurants to offer Vietnamese, Chinese, Asian, Japanese and European food. The center would be inclusive and would embrace all nationalities. He expected to prepare a few responses to the DEIR for staff's review.

**Chairperson Harrison** disclosed that he had met with Mr. Shanks and the applicant before the meeting.

**Chairperson Harrison** opened and closed the public hearing.

**Commissioner Chan** asked for comments from staff concerning the rationale for the 25 percent reduced development intensity. How would the 25 percent reduction alternative affect the DEIR?

**Associate Planner Ruhland** replied that alternative was required by CEQA to evaluate project alternatives. The percent was arbitrarily chosen. There would be no change for a 25 percent reduced square footage project.

**Chairperson Harrison** asked if the mobile trailer company had been in one of the existing buildings or had there been trailers on an outside lot.

**Senior Planner Meerjans** replied that the company had been located within one of the existing buildings. It had been a manufacturer.

**Chairperson Harrison** noted that other agencies had been interested in this property, such as the Water District and the Fire Department. Was Union Sanitary District the next step, since it was not listed at this time? He recalled hearing that the Stevenson-Albrae traffic signals were controlled by the City of Newark and he asked if that was true.

**Associate Planner Ruhland** answered that it was. Some coordination would have to be done with the City of Newark, but he was not sure that Chairperson Harrison's statement was altogether true.

**Vice Chairperson Lydon** remembered that site had a history of "awkward uses" over the years, one of which was the need for police action, because of after hours rowdiness and other disturbances. He hoped that the planning process would reflect the "potential" for after hours gatherings.

**Senior Deputy City Attorney Seto** reminded the Commission that no formal action needed to be taken on this item. She explained how this item would progress in the future.

**Vice Chairperson Lydon** wished the applicant good luck on this project.

**HOLD PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS FROM THE PUBLIC AND PLANNING COMMISSION.**

**AND**

**REFER COMMENTS ON DRAFT EIR FROM THE PUBLIC AND PLANNING COMMISSION TO THE EIR CONSULTANT FOR RESPONSES TO BE INCLUDED IN THE FINAL EIR.**

**Item 3.** **BELL MANOR – 38853 & 38871 Bell Street – (PLN2005-00155)** – to consider a General Plan Amendment to change the land use designation of two parcels of land totaling 0.86 acres from Medium Density Residential 18-23 du/ac to High Density Residential 23-27 du/ac and a Rezoning of the parcels from R-G-24, Garden Apartment Residence District to R-3-27, Multi-Family Residence District located in the Central Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

**Senior Planner Meerjans** noted that two parcels had been eliminated from the original proposal.

**Steve Yang**, architect, representing the owner, Richard Schwe, stated they had been working on this project for almost two years. This high-density project would be well designed and would provide an attractive community with more open space than the minimum required. The 23 units would be a benefit to the city, along with 15 percent of the project would provide some affordable units. Housing would not cause a significant environmental effect.

**Commissioner Chan** asked what the number of units was, now that two parcels have been eliminated from the project.

**Mr. Yang** replied that two, very tiny, stand-alone houses were on the two parcels. A historical study decided that, although the houses were very old, they were not historical.

**Commissioner Chan** clarified her question. There were originally four parcels and now this project would involve just two parcels. Was the project size still the same 23 units?

**Mr. Yang** replied that, yes, there would be 23 condominium units, which would replace the two existing homes.

**Chairperson Harrison** opened and closed the public hearing.

**Chairperson Harrison** asked if staff could address Commissioner Chan's question.

**Senior Planner Meerjans** replied that the amount of acreage proposed would allow a minimum of 22 units. Staff expected 22 to 23 units to be constructed.

**Chairperson Harrison** asked if part of this approval included looking at parking that would be available for this project, since he was aware of the congestion in that area of the city.

**Senior Planner Meerjans** stated that parking would be part of staff's review. The parking would have to be designed to meet the city's parking standards.

**Chairperson Harrison** asked if this project would come back to the Commission for site plan and architectural review.

**Senior Planner Meerjans** stated that it would.

**Commissioner Lorenz** expressed reservations about changing residential/garden apartment type zoning to accommodate for sale condominiums.

**Senior Planner Meerjans** replied that both types of zoning allowed for both apartments and condominiums, so it was up to the applicant what he wished to apply for.

IT WAS MOVED (KING/CHAN) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING

**AND**

**STAFF, RECOMMENDS THAT THE FOLLOWING MITIGATION MEASURE BE INSERTED INTO THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN "PRIOR TO ANY DEVELOPMENT AN ARBORIST REPORT SHALL BE PREPARED TO EVALUATE THE EXISTING ON-SITE TREES. THE ARBORISTS REPORT SHALL BE SUBMITTED WITH THE FINDING FOR SITE PLAN AND ARCHITECTURAL APPROVAL APPLICATION. ANY TREE RELOCATION OR REMOVAL SHALL BE SUBJECT TO THE REVIEW OF THE CITY LANDSCAPE ARCHITECT. THE CITY LANDSCAPE ARCHITECT SHALL DETERMINE THE SUITABILITY OF THE MITIGATION MEASURES REQUIRED, IF ANY."**

**AND**

**RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES.**

**AND**

**RECOMMEND THE CITY COUNCIL APPROVE THE MITIGATED NEGATIVE DECLARATION FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.**

**AND**

**RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE MITIGATION MONITORING PLAN FOR THE PROJECT.**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND PLN2005-00155 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT.**

**AND**

**RECOMMEND THE CITY COUNCIL APPROVAL OF PLN2005-00155 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FOR THE PROJECT IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT EXHIBIT)**

**AND**

**RECOMMEND PLN2005-00155 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "B" (REZONING EXHIBIT).**

The motion carried by the following vote:

AYES:	6 – Chan, Harrison, King, Lorenz, Lydon, Weaver
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Sharma
RECUSE:	0

- Item 4. **WARM SPRINGS VILLAGE – 48921 - 48973 48979 Warm Springs Boulevard, 48923-48999 Kato Road and 48999 48887 Kato Road - (PLN2005-00292)** - to consider an Preliminary and Precise Planned District for the development of 95 townhomes/flats, 105 high-density condominiums, 142 detached townhomes, landscaping, private open space and circulation improvements located in the Industrial Planning Area. A Mitigated Negative Declaration, PLN2004-00272, was previously circulated and adopted for this project.

**Modification to Staff Report – Page 1**

**Proposal:** To consider a Preliminary and Precise Planned District for the development of 94 95 townhomes/flats, 105 condominium units and 146 142 detached townhomes, and associated landscaping, private open space, access and circulation improvements.

**Modification TO CONDITION A-7, MITIGATION #6**

6. The following measures shall be implemented to mitigate impacts from noise and vibration:
  - ~~All residential units located along Kato Road and Warm Springs Boulevard shall provide exterior to interior noise reductions of at least 25-30 dBA. To achieve this noise reduction these buildings shall have a Sound Transmission Class (STC) rating of at least 35, subject to review and approval of the City's Noise/Vibration consultant during the Development Organization review process.~~
  - The interior noise levels within all residential units due to exterior transportation sources (existing and future road traffic on Kato Road and Warm Springs Boulevard, existing and potential future Union Pacific Railroad freight operations, and potential future BART rapid transit trains) shall comply with the limits in Policy HS 8.1.1 of the City of Fremont Health & Safety General; specifically noise exposure levels of 45 dBA  $L_{dn}$  in all habitable rooms, and instantaneous noise levels of 50 dBA  $L_{max}$  in bedrooms and 55 dBA  $L_{max}$  in other habitable rooms, subject to the review of the City's Noise and Vibration consultant. If the interior noise limits can only be met with the windows closed, mechanical ventilation meeting code ventilation requirements shall also be provided.
  - A ten (10) foot high sound wall shall be constructed along the western property line to reduce wheel/rail noise contribution from existing and future freight train movements, and future BART train noise.
  - ~~The nine residential units located immediately adjacent to the railroad shall be constructed to reduce exterior to interior noise levels by 55 dBA. To achieve this noise reduction these buildings shall have a Sound Transmission Class (STC) rating of at least 50, subject to review and approval of the City's Noise/Vibration consultant during the Development Organization review process.~~
  - ~~The residential units located near the railroad and potentially impacts by freight and/or future BART vibration impacts shall be constructed to reduce building vibration for existing and future train movements. Appropriate structural modifications to the building and/or building base vibration isolation techniques shall be used to reduce vibration levels to the 72 dBA Federal Transit Administration (FTA) limit, subject to review and approval of the City's Noise/Vibration consultant during the Development Organization review process.~~

- Residential units affected by vibration from existing and potential future freight and rapid transit train movements shall be designed in a manner to reasonably mitigate building vibration. This shall include slab on grade construction for the first floor, and wood joist systems having natural frequencies of 25 Hz or greater for the upper floors, which shall be accomplished by one or more of the following: deeper joists, shorter joist spans, joist stiffening, and gluing and screwing the plywood sub-floor to the joists, subject to the review of the City's Noise and Vibration consultant.
- The applicant/developer shall provide full disclosure to buyers regarding the potential noise and vibration impacts associated with the site. Potential buyers should be advised that although all reasonable and practicable measures have been taken to reduce noise and vibration impacts, they may still be affected by noise and vibration from existing and future train and BART operations.

**Terry Wang**, KB Home South Bay, introduced the KB team for the project. He displayed a vicinity map that showed the parcels, which totaled approximately 18 acres. This project began as part of the city's Housing Element Implementation Program No. 21. The site included three zoning densities, which included 142 detached townhomes on 11 acres, 95 attached townhomes and flats on 4 acres and a 105 units in the podium condominium building on 2.6 acres. The site was bordered on the east and north by Warm Springs Boulevard and Kato Road. The Robeson Homes Mayfield project was to the south, which was currently under construction, along with an application for a future residential project to the north and west. The project would have three entries and exits. He had worked with Robeson Homes to provide an interface with their two adjacent projects. This site plan would achieve the city's objectives of three distinct densities within one site. The square footage of the detached townhomes would be 1,700 to 2,000 square feet with 3 bedrooms and 2.5 baths. The square footage of the attached townhomes and flats would be 1,700 to 1,800 square feet with the flats at the ends of the building being 1,200 square feet each. The square footage of the condominium units would range from 900 square feet to 1,400 square feet with 1 bedroom, 1 bath units to 3 bedroom, 2 bath units. An extensive pedestrian network and primary street would be created within the site, converging on a common open space with a clubhouse. A pedestrian connection would be made to Robeson Homes to the north. The front doors and porches of the units would be oriented towards sidewalks and walkways. Garages would be in the rear.

**Commissioner Lorenz** asked for more information concerning the applicant's collaboration with Robeson Homes with regard to the design of this development and its integration with the Mayfield project. He was also interested in information concerning the massing of the podium condominiums and how they would integrate with the Mayfield project. The podium building looked as if it was about five stories high.

**Mr. Wang** replied that a shared sidewalk between the two projects would interface the two projects. The two projects would probably have similar decorative pavement features, light standards and landscaping. The podium building would be four stories over a garage. The height of the building would be between 50 and 60 feet.

**Commissioner Lorenz** commented that the Mayfield buildings next door would be a height of approximately 38 feet.

**Mr. Wang** stated that a massing study was performed concerning the massing along Warm Springs Boulevard.

**David Ho**, KTG Group Architects, stated they were working on the podium building. A village type of massing had been created, which was more of a manor house look. The ground level parking would be submerged approximately 10 feet below street level along Warm Springs Boulevard.



**Commissioner Lorenz** displayed some photos of the Mayfield project. He asked if pedestrians would then be looking at a building that was 40 to 50 feet above ground level, because of the submerged parking.

**Mr. Wang** stated that he was correct.

**Mr. Ho** clarified that the 60-foot height was measured at the top of the tower. Generally, the building was much shorter than 60 feet.

**Commissioner Lorenz** asked the height of the homes to the north of the podium building and if they would be partially submerged, also.

**Mr. Wang** replied that the townhomes and flats would be constructed at that location, which would be 38 to 40 feet high. Some of the parking would be partially submerged.

**Commissioner King** stated that it was an exciting project and he complimented the applicant on his comprehensive presentation. He asked the average cost of each of the three different types of housing.

**Mr. Wang** stated that podium building units would begin in the high 300,000 to low 400,000 dollar range. The townhomes and flats would begin in the high 500,000 to low 600,00 dollar range. The detached townhomes would be priced at approximately 700,000 dollars.

**Commissioner King** asked what the square footage would be in the detached townhomes.

**Mr. Wang** replied they would be 1,700 to 2,000 square feet.

**Vice Chairperson Lydon** asked if the land to the west that was to be future residential was held by Santa Clara Development (Robeson Homes). Did the applicant have any idea when that project would be under construction? Would there be a chance for demolition and construction next to a newly occupied home? He asked if interconnectivity between the two projects had been thought out in the event of an emergency. Would there be an EVA on the south side of the project?

**Mr. Wang** stated that the land west of the project was being developed by Robeson Homes. It was moving forward concurrent with this project. Associate Planner Ruhland was processing both projects. He expected that both projects would come online at the same time. An EVA (Emergency Vehicle Access) had been planned to be located on the border of the two projects. Immediately south of the project, between Mayfield and the applicant's project was a drainage channel owned by Alameda Flood Control District.

**Vice Chairperson Lydon** asked if there would any ability to cross that channel in the event of an emergency.

**Mr. Wang** replied, "No, there was none."

**Vice Chairperson Lydon** concluded that there would be no emergency entrance/exit on the south side of the project.

**Mr. Wang** stated that access into the development would be through the two main entryways.

**Commissioner Weaver** asked if there would be any separation between this project and the Robeson project. Did he anticipate sharing the common areas of his project with the Robeson project and how would that be policed?

**Mr. Wang** explained that the front doors of his homes would be located about 10 feet from the sidewalk and 7 feet from the sidewalk to the front doors of the Robeson project. The Homeowners Association would be responsible for the common areas. He did not think there was a way to police it, though.

**Commissioner Chan** asked the difference between a detached townhouse and a single-family dwelling.

**Mr. Wang** stated that the difference would be that the detached townhome would not have a rear yard. Instead, ten feet of private open space would be available between the units. The townhomes would have patios in the front.

**Ray Panik**, KB Home, added that both the townhomes and stack flats and the detached townhomes would be built with tuck-under garages with a built-up mew where the front doors were. It would be about five feet higher than the alley behind, which would service the garages. The detached townhomes would work in the same general configuration, but would not have a common wall with the neighboring units. The side yard would have a common use easement to provide a side patio for each detached townhome.

**Commissioner Chan** asked for elaboration on the flats.

**Mr. Wang** replied that the flats were located at the end of the attached townhomes. Unlike the townhome where the living space was vertical, the living space of the flat was on one level. However, one would have to walk up from the garage to that level.

**Chairperson Harrison** asked if providing the three different products in this one project was a unique feature for KB Home and if it had been done before, how did it work out.

**Mr. Wang** replied that it had been done before at Tuscany Hills in San Jose.

**Steve Bull**, KB Home, added that his company had similar multiple projects being constructed with multiple product types. Some, like Tuscany Hills, were the exact same three mixes, which had been very successful. The mix allowed sale to a number of different buyer groups in different price ranges.

**Commissioner Lorenz** asked if this project was exactly like the Mayfield project.

**Associate Planner Ruhland** stated that it was somewhat like the Mayfield project.

**Chairperson Harrison** opened the public hearing.

**Mr. Wang** closed by asking that the Planning Commission recommend this project to City Council.

**Chairperson Harrison** closed the public hearing.

**Chairperson Harrison** asked if the mailboxes would be locked to hinder identity theft.

**Associate Planner Ruhland** answered that the mailboxes would be clustered in various locations throughout the project and he believed that they would be locked. He referenced the detail about mailboxes on Sheet L7.

**Commissioner Lorenz** summarized that a total of 342 units would make up the project with 800 covered and open parking spaces, and no parking would be allowed on Warm Springs Road or Kato Boulevard, with no changes anticipated. He asked the total of parking spaces the city required with a project this size.

**Associate Planner Ruhland** answered that the parking spaces required was 681 spaces.

**Vice Chairperson Lydon** expressed a concern about emergency vehicle access between the three developments to avoid emergency vehicles having to exit one development and drive to the entrance of another. He asked what the total units would be for the three developments when they were complete. He suggested that staff and the applicant explore some kind of EVA "over the Alameda County ditch."

**Associate Planner Ruhland** replied that 650 units would be the total for all three projects. Staff had been very careful to make certain that the Robeson Homes project and this one were integrated together. When the Mayfield site was approved, this site was an industrial site, which explained the wall along the north boundary of Mayfield. The Alameda County Flood Control District posed additional challenges to interconnecting the Mayfield site to this site.

**Commissioner Chan** asked if the applicant had addressed the points brought up by the County of Alameda Public Works Agency, dated 10/14/05. She also wondered about the future considerations regarding BART and the train vibrations.

**Associate Planner Ruhland** stated that it was a work in progress and would be addressed through the construction document and building permit during review. The applicant had agreed to the conditions and recommendations, along with taking BART into consideration.

**Commissioner Lorenz** asked whose responsibility would graffiti on the sound walls be, especially after BART had located its station there.

**Associate Planner Ruhland** replied that the maintenance of the sound wall would be the responsibility of the homeowners associations.

**Commissioner Lorenz** asked that the maintenance be included in the CC&Rs.

**Associate Planner Ruhland** agreed.

**Chairperson Harrison** commented that these projects had created a unique situation, with regard to integration, as Vice Chairperson Lydon had pointed out. It sounded like everyone involved had been diligent about it. He was happy to see that adequate parking would be available, as parking was always a problem. A key to this project's success was that the affordable units would be mixed throughout the development. He welcomed KB Home back to Fremont and encouraged them to provide more projects within the city.

**Commissioner Chan** questioned the "affordability" of the units in this project, although she appreciated that more housing would be available within the city. A range of 300,000 to 700,000 dollars and with the affordable units comprising 15 percent, that meant just 51 units would be considered affordable. It seemed to her that without stores and transit at this location in the southern edge of the city, the residents were likely to spend their money in Milpitas. She was also concerned about the impact of these projects on the local schools.

**Associate Planner Ruhland** stated that the Inclusionary Ordinance Condition ensured that the 2005 Below Market Rate (BMR) sales prices would range from 284,000 to 341,000 dollars, depending upon the size of the unit, which would be 110 percent of the area median income.

**Chairperson Harrison** asked if it did not matter if the other units were selling for one dollar or one million dollars, the selling price for the BMR units were based on the 110 percent number.

**Associate Planner Ruhland** agreed.

**Senior Deputy City Attorney Seto** stated that the nearest bus stop would be across the street on Warm Springs Boulevard in front of the cemetery where one could take the bus all the way to the BART station.

IT WAS MOVED KING/WEAVER() AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREVIOUSLY CIRCULATED AND ADOPTED FOR THE GENERAL PLAN RE-DESIGNATION AND REZONING, PLN2004-00272, HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES.**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY CIRCULATED AND ADOPTED FOR THE GENERAL PLAN RE-DESIGNATION AND REZONING, PLN2004-00272, ADEQUATELY ADDRESSES POTENTIAL IMPACTS ARISING FROM THE PROPOSED PROJECT AND THE IDENTIFIED MITIGATION MEASURES WILL REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.**

**AND**

**RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE MITIGATION MONITORING PLAN FOR WARM SPRINGS VILLAGE (PLN2004-00272).**

**AND**

**RECOMMEND TO THE CITY COUNCIL FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT.**

**AND**

**RECOMMEND TO THE CITY COUNCIL FIND PLN2005-00292, AS PER EXHIBIT "B" (PRELIMINARY AND PRECISE SITE PLAN, FLOOR PLANS, ELEVATIONS AND LANDSCAPE PLANS), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE; AND FURTHER RECOMMEND THAT THE CITY COUNCIL FIND THAT THE REQUESTED DEVIATIONS FROM THE CITY'S PRIVATE VEHICLE ACCESS WAYS (PVAW'S), GUEST PARKING REQUIREMENTS, AND OTHER STANDARDS, ARE JUSTIFIED FOR THE REASONS SET FORTH IN THE STAFF REPORT AND IN FINDING NO. 4.**

**AND**

**RECOMMEND TO THE CITY COUNCIL ACCEPT AS COMPLETE:**

- EXHIBIT 1 - PROFESSIONAL TEAM ENDORSEMENT
- EXHIBIT 2 - PROPERTY OWNER CONSENT LETTER
- EXHIBIT 3 - PROPERTY DESCRIPTION

**AND**

**RECOMMEND TO THE CITY COUNCIL THE REZONING AS SHOWN ON EXHIBIT "A" (ZONING EXHIBIT) AND EXHIBIT "B" SHEET(S) SP1-7, L1-8, D1-23, A1-20, P1-14 AND R1 (PRELIMINARY AND PRECISE SITE PLAN, FLOOR PLANS, ELEVATIONS AND LANDSCAPE PLANS) AND EXHIBIT "E" (MATERIAL COLOR AND SAMPLE BOARD) FOR PLN2005-00292 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN Exhibit "C".**

The motion carried by the following vote:

AYES: 6 – Chan, Harrison, King, Lorenz, Lydon, Weaver  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1 – Sharma  
RECUSE: 0

## MISCELLANEOUS ITEMS

### Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Report on actions of City Council

**Senior Planner Meerjans** stated that construction hours and text amendment was approved. The appeal of the Cingular Wireless tower in Niles was denied. A study session was held regarding condominium conversions and council had directed staff to prepare a modification of the ordinance and to address the possibility of a cap of the number that would be allowed to be converted per year, to look at inclusionary requirements for BMR housing and to consider better relocation assistance for the displaced tenants.

**Chairperson Harrison** asked if the 2006 Planning Commission calendar had been approved.

**Senior Planner Meerjans** stated that it had. The first meeting in January would be the 12<sup>th</sup>. There would be a meeting on December 8<sup>th</sup>; a tentative agenda had been included in the packets.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 8:20 p.m.

SUBMITTED BY:

Alice Malotte  
Recording Clerk

APPROVED BY:

Barbara Meerjans, Secretary  
Planning Commission